

REMARKS

Claims 1-10 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mortensen et al. (U.S. Pat. No. 5,563,804) in view of Dyer (U.S. Pat. No. 6,903,779) and Plog (U.S. Patent No. 6,414,724). This rejection is respectfully traversed.

Specifically, the Examiner asserts that Figs. 2-4 of Dyer teaches the concept of providing/encoding the video data with caption data for transmittal in claim 1. After carefully reviewing Figs. 2-4 and their corresponding texts in Dyer, Applicant submits that the Examiner has mischaracterized the techniques shown in Dyer.

First of all, lines 22-24 in column 5 of Dyer depicting Figure 4 read that, "after the closed caption data has been extracted, the remaining components of the television signal pass to media player encoder 28 as indicated in block 22."

In addition, lines 62-67 in column 5 of Dyer depicting Figure 4 read that, "[i]n one embodiment of the invention, closed caption information is transmitted from storage device 20 as a text script command. As explained earlier, the text script command is transmitted to media encoder 28 at block 210 and sent to the streaming media server 22 as indicated in block 214."

Evidenced by the above texts, Dyer at best appears to show that the closed caption data and the other components of the television signal are separately encoded. The streaming media server (214) at best appears to stream the separately encoded data together to a media player (216) of an end user. The stream server (214), however, does not obtain a mingled image and further encode the mingled image as required by claim 1.

Thus, the techniques shown in Dyer differ from features of "obtaining a mingled image with the caption, encoding the mingled image" in claim 1. Because in accordance with claim 1, the caption image is initially overlaid to a digital service image to obtain a mingled image, and then the mingled image is encoded (i.e., the caption image and the digital service image are encoded as a whole instead of being encoded separately as in Dyer).

Therefore, Applicant submits that Dyer fails to cure the deficiencies of Mortensen and Plog and Dyer cannot teach the concept of providing/encoding the video data with caption data for transmittal as alleged by the Examiner.

Further, lines 53-61 in column 5 of Dyer depicting Figure 4 read that, "[t]he steps will typically be performed in the manner that will cause the audio, video, closed caption and other components to be properly encoded for delivery to the streaming media server in a way that will cause the various components of the associated data to be displayed by the audio-visual player at the same time. Thus, any differences in processing speeds and transmission rates should be taken into account in order to designate any order or timing for performing steps 210 and 212." In other words, Dyer at best appears to show that a

synchronism mechanism is necessary to implement the techniques of Dyer, which further shows the distinctions between the features of claim 1 and those techniques in Dyer.

Up to now, despite the Examiner's assertion in section 2 of the Office action that "the concept of transmitting video and caption data together is notoriously well known in the art, since caption data is linked/synchronized with the video data," the Examiner has not yet been able to cite prior art disclosing the claimed features of claim 1.

As presented in the responses to previous Office actions, in systems embodying claim 1, advantageously, at the receiving side the encoded mingled image is decoded by a decoder as one object. In other words, the caption image is shown with the digital service image as one object to the user. It is unnecessary for the decoder at the receiving side to distinguish and separate the caption image mingled and carried in the digital service image. The decoder at the receiving side does not need to perform any additional work, and thus no synchronization of the digital service image and the caption image is needed for devices at the receiving side.

In view of the foregoing, Applicant submits that claim 1 and its dependent claims 2-6 define over the art cited by the Examiner. Claim 7 recites one or more features similar to the distinguishing features of claim 1. Thus, claim 7 and its dependent claims 8-10 define over the art cited by the Examiner.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 9896-000036/US/CO from which the undersigned is authorized to draw.

Dated: January 6, 2009

Respectfully submitted,

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